

TITLE 16

DEPARTMENT OF REGULATORY AGENCIES

CHAPTER 301

OFFICE OF CONSUMER PROTECTION
PUBLIC RECORDS AND INFORMATION,
RULEMAKING PROCEEDINGS, AND DECLARATORY RULINGS

- §16-301-1 Director, defined
- §16-301-2 Public records and information
- §16-301-3 Adoption, amendment, or repeal of rules
- §16-301-4 Declaratory ruling by the director

Historical Note: This chapter is based substantially upon State of Hawaii, Office of Consumer Protection, Regulation II, Rules of the Office of Consumer Protection Relating to Rulemaking Proceedings, Declaratory Rulings, and Public Records and Information. [Eff 2/14/72; R 6/19/81]

§16-301-1 Director, defined. As used in these rules "director" means the director or acting director of the office of consumer protection. [Eff 6/19/81] (Auth: HRS §§487-2, 487-5) (Imp: HRS §§487-2, 487-5)

§16-301-2 Public records and information. (a) All public records, as defined in section 92-50, Hawaii Revised Statutes, shall be available for inspection in the office of consumer protection during regular business hours.

(b) Any person may obtain information on matters within the jurisdiction of the office of consumer protection by inquiring in person during regular business hours, or by submitting a written request to the office, or by telephone upon giving the caller's name and other identification.

(c) "Regular business hours" as used in this section means from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. [Eff 6/19/81] (Auth: HRS §§91-2, 487-5) (Imp: HRS §§80-1, 91-2, 92F-11, 487-5)

§16-301-3

§16-301-3 Adoption, amendment, or repeal of rules. (a) The rules adopted, amended, or repealed by the director shall be made in accordance with chapter 91, Hawaii Revised Statutes.

(b) Any interested person may petition the director for the adoption, amendment, or repeal of any rule of the office. The petition shall be submitted in duplicate and delivered to the office of consumer protection.

(c) The petition need not be in any special form but it must contain:

- (1) A statement of the nature of each petitioner's interest;
- (2) A draft of the substance of the proposed rule or amendment and a designation of any existing rule affected by the petition;
- (3) An explicit statement of the reasons in support of the proposed rule, amendment, or repeal;
- (4) Any other information relevant to the petition;
- (5) The name, address, and telephone number of each petitioner; and
- (6) The signature of each petitioner.

(d) Any petition which does not conform to the requirements of subsection (c) may be rejected by the director.

(e) Upon receipt of the petition, the director shall cause it to be dated to determine the date of submission.

(f) Within thirty days after the receipt of the petition, the director shall either deny the petition in writing, stating the reasons for the denial, or initiate proceedings in accordance with chapter 91, Hawaii Revised Statutes, for the adoption, amendment, or repeal of the rule.

(g) Copies of rules adopted by the director, shall be made available free of charge upon request by state, county, or federal officials. As to all other persons, the price for a copy of each administrative rule shall be in accordance with section 92-21, Hawaii Revised Statutes. [Eff 6/19/81] (Auth: HRS §§91-2, 91-5, 91-6, 487-5) (Imp: HRS §§91-2, 91-3, 91-5, 91-6, 487-5)

§16-301-4 Declaratory ruling by the director. (a) Any person may petition the director for a declaratory ruling as to the applicability of any statutory provision enforced by the director or of any rule or order of the director.

(b) The petition shall be submitted in duplicate to the office of consumer protection. The petition need not be in any special form but it shall contain:

- (1) A statement of the nature of each petitioner's interest, including reasons for the submission of the petition;
- (2) A designation of the specific statutory provision, rule, or order in question;
- (3) A complete statement of the relevant facts;

- (4) A statement of the interpretation given the statutory provision, rule, or order by the petitioner;
 - (5) A memorandum containing the reasons, including any legal authority in support of the interpretation of the petitioner;
 - (6) The name, address, and telephone number of each petitioner; and
 - (7) The signature of each petitioner.
- (c) Any petition which does not conform to the requirements of subsection (b) may be rejected by the director.
- (d) Upon receipt of the petition, the director shall cause it to be dated to determine the date of submission.
- (e) The director shall with reasonable promptness either deny the petition, stating the reasons therefor, or issue a declaratory ruling. Upon disposition of the petition, the director shall promptly notify the petitioner.
- (f) The declaratory ruling shall be applicable only to the fact situation as alleged in the petition or as set forth in the ruling. The declaratory ruling shall not be applicable to fact situations which involve additional facts not considered in the ruling. [Eff 6/19/81] (Auth: HRS §§91-8, 487-5) (Imp. HRS §§91-8, 487-5)

DEPARTMENT OF REGULATORY AGENCIES

The repeal of State of Hawaii, Office of Consumer Protection, Regulation II, and the adoption of chapter 301, Office of Consumer Protection Public Records and Information, Rulemaking Proceedings, and Declaratory Rulings, on the Summary Page dated June 1, 1981, were adopted on June 1, 1981, following public hearings held in Hilo on May 18, 1981, Kona on May 19, 1981, Kahului on May 20, 1981, Honolulu on May 23, 1981, and Lihue on May 29, 1981, after public notice was given in the Honolulu Advertiser and the Honolulu Star-Bulletin on April 27, 1981.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/Stanley D. Suyat
STANLEY D. SUYAT
Director of Consumer Protection

/s/Mary G. F. Bitterman
MARY G. F. BITTERMAN
Director of Regulatory Agencies

APPROVED AS TO FORM:

/s/Ronald Shigekane
Deputy Attorney General

/s/George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor of Hawaii

Date: June 6, 1981

June 9, 1981
Filed

NOTE: Act 204, SLH 1982, changed the department name from Regulatory Agencies to Commerce and Consumer Affairs, effective June 10, 1982.

Any reference in title to Department of Regulatory Agencies shall be to Department of Commerce and Consumer Affairs.

THIS MATERIAL CAN BE MADE AVAILABLE FOR INDIVIDUALS WITH SPECIAL NEEDS IN BRAILLE, LARGE PRINT OR AUDIO TAPE. PLEASE SUBMIT YOUR REQUEST TO THE OFFICE OF CONSUMER PROTECTION DIVISION SECRETARY AT (808) 586-2636.